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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No.: 09/993,733)	
)	Group Art Unit: 1772
Filing Date: November 21, 2001)	
)	Examiner: Aughenbaugh,
For: Concrete Formworks And Method)	Walter
Of Making Same)	
)	Docket No: 013190.0101PTUS
Inventor: Gregory D. Johnson)	(Formerly 13190.101)
)	
)	Confirmation No.: 9460
)	
)	Attachment to Paper No.: 17

SECOND DECLARATION OF GREGORY D. JOHNSON

1. I, Gregory D. Johnson, am currently a Partner in J. M. McCormick Company, a distributor of lumber and other building products. I have worked in the area of lumber and building materials for eighteen years, and in particular, I have distributed and sold lumber and laminated panels for use in buildings, construction, truck bodies, and other uses for most of these eighteen years. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

2. I am the inventor in the above-designated patent application (hereinafter "the application").

3. I have read and am familiar with the claims currently in the application and the Office Action dated August 4, 2004 issued by the Examiner in the application (hereinafter "the Office Action") and the declarations of Edward Rahe filed earlier in this application. I have also read and am familiar with United States Patent No. 5,030,488 issued July 9, 1991 to Igor Sobolev (hereinafter "Sobolev").

4. I submit this Declaration to present to the Examiner facts concerning the patentability of the claims in the application, including bringing to the attention of the Examiner, in an authenticated manner, information relating to the patentability of the claims.

5. I am familiar with the concrete formwork industry, particular their specification

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needs and tests of panels, having sold plywood into this industry for over fifteen years. I am also familiar with the trucking panel industry, particular their specification needs and tests of panels, having sold various types of wood into that industry for more than five years.

6. The concrete formwork industry is slow to make changes. The people who use concrete formwork like to stick with what they know.

7. About 2.5 years ago, I submitted for testing to Symons Corporation, the largest supplier of concrete formwork panels in the United States, samples of concrete formwork panels as described in at least the present claims 1 – 5, 10 – 19, and 40 – 43.

8. Symons Corporation tested these panels in the lab and then in the field for two years and found that they met or exceeded all their requirements.

9. I have now sent Symons, at their request, 900 additional panels as described in at least the present claims 1 – 5, 10 – 19, and 40 – 43.

10. Symons will perform an in-depth test of these panels on site at customer locations in Chicago and other cities. This test involves day-to-day tracking and recording of the performance of the panels. These tests are expensive; therefore, Symons would not undertake them unless the company had strong reason to believe that the panels will become a successful product.

11. Symons is also considering the panel as described in at least present claims 1 – 5, 10 – 19, and 40 – 43 as a replacement for aluminum concrete panel face plates.

12. Gates and Sons, Incorporated in Denver has also tested the panel with good results. Both Symons and Gates are taking the panel to the World of Concrete show in January to present and sell it.

13. The deflection tests disclosed in Sobolev are tests that are “three-point tests” useful for the trucking panel industry. As disclosed in Sobolev, in these tests, a panel piece is held at two ends and a weight is suspended at the middle. This measures how much a panel will deflect if, for example, a person or a box leans against it.

14. The deflection tests in the concrete industry are different. Concrete creates a pressure across the entire panel; thus, the tests run on formwork panels in the concrete

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industry measure the deflection when a certain pressure is exerted across the entire panel.

15. Thus, the results of the tests described in Sobolev and the tests for concrete formwork panels as describe by Mr. Rahe in his declaration are not directly comparable.

16. In the Supplemental Declaration of Edward Rahe, Mr. Rahe states that a 10% difference in deflection in a concrete formwork panel is significant. The reason this is so is because the pour rate in the concrete industry is determined by panel deflection.

17. That is, when concrete is poured into a form, the amount of deflection is proportional to how fast the concrete enters the form. Thus, a 10% lower deflection allows one to pour the concrete about 10% faster, a 25% lower deflection allows the concrete to be poured about 25% faster, and a 30% lower deflection allows the concrete to be poured about 30% faster, etc.

18. An easy way to make a panel have less deflection, is to make it thicker. However, this also makes it heavier, and there are strong constraints on how heavy a concrete formwork panel can be, because panels that are too heavy require expensive machinery to install, and require much more time to install.


19. Time is money in the concrete industry, and the savings in time as a result of lower deflection in a panel that meets the weight constraints, flows money directly to the bottom line. Thus, significantly less deflection means significantly more profits.

20. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

11/4/2004

By:


Gregory D. Johnson

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